



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, | ) | CASE NO. 1:05CR537               |
|                           | ) |                                  |
| Plaintiff,                | ) | JUDGE JOHN R. ADAMS              |
|                           | ) |                                  |
| v.                        | ) |                                  |
|                           | ) | GOVERNMENT'S MOTION FOR          |
| DWAYNE NABORS,            | ) | <u>LEAVE OF COURT TO DISMISS</u> |
| TYRON BROWN,              | ) |                                  |
| JERRY MOTON,              | ) |                                  |
| DAMETRESE RANSAW,         | ) |                                  |
| ARRICO SPIRES,            | ) |                                  |
| CHARLES D. MATHEWS,       | ) |                                  |
| JAMES BURTON,             | ) |                                  |
| ALBERT LEE, JR.,          | ) |                                  |
| NOEL MOTT,                | ) |                                  |
| JIM WILLIAMS,             | ) |                                  |
| NOLAN LOVETT,             | ) |                                  |
| MARLON L. BROOKS,         | ) |                                  |
| JOHNNY ROBERTSON,         | ) |                                  |
| FRANK DOUGLAS, and        | ) |                                  |
| ROBERT HARRIS,            | ) |                                  |
|                           | ) |                                  |
| Defendants.               | ) |                                  |

Now comes the United States of America, by and through  
counsel, Gregory A. White, United States Attorney, and Ronald B.  
Bakeman, Assistant United States Attorney, and provides this  
Honorable Court with the following response to the various



-2-

pleadings filed by the above-captioned defendants in this case  
and the related civil cases:

| <u>Defendant</u>   | <u>Pleading</u>  | <u>Civil Case No.</u>    |
|--------------------|--|--------------------------|
| DWAYNE NABORS      | Motion to Vacate Under 28<br>U.S.C. § 2255; and Rule<br>33(a) Motion for New<br>Trial Under      | 1:08CV0024               |
| TYRON BROWN        | Motion for New Trial<br>Under Rule 33(b)(1)  | NA                       |
| JERRY MOTON        | Motion to Vacate Under 28<br>U.S.C. § 2255   | 1:08CV0088               |
| DAMETRESE RANSAW   | Motion to Vacate Under 28<br>U.S.C. § 2255   | 1:07CV2818               |
| ARRICO SPIRES      | Motion to Vacate Under 28<br>U.S.C. § 2255   | 1:08CV0127               |
| CHARLES D. MATHEWS | Motion to Vacate Under 28<br>U.S.C. § 2255   | 1:07CV2819               |
| JAMES BURTON       | Motion to Vacate Under 28<br>U.S.C. § 2255 <sup>1</sup>  | 1:07CV3383<br>1:08CV0121 |
| ALBERT LEE, JR.    | Motion to Vacate Under 28<br>U.S.C. § 2255 <sup>2</sup>  | 1:07CV3783<br>1:08CV0121 |
| NOEL MOTT          | Motion to Vacate Under 28<br>U.S.C. § 2255   | 1:08CV0089               |
| JIM WILLIAMS       | Motion to Vacate Under 28<br>U.S.C. § 2255; and Rule<br>60(b) Motion for Relief<br>from Judgment | 1:07CV2817               |
| NOLAN LOVETT       | Motion to Vacate Under 28<br>U.S.C. § 2255   | 1:07CV2754               |

<sup>1</sup>

Burton has filed two Motions to Vacate Under 28 U.S.C. § 2255. See Case Nos. 1:07CV3383 and 1:08CV0121.

<sup>2</sup>

Lee has also filed two Motions to Vacate Under 28 U.S.C. § 2255. See Case Nos. 1:07CV3783 and 1:08CV0121.

-3-

| <u>Defendant</u> | <u>Pleading</u>                            | <u>Civil Case No.</u> |
|------------------|--|-----------------------|
| MARLON L. BROOKS | Motion to Vacate Under 28<br>U.S.C. § 2255 | 1:07CV3562            |
| JOHNNY ROBERTSON | Motion to Vacate Under 28<br>U.S.C. § 2255 | 1:08CV0090            |
| FRANK DOUGLAS    | Motion to Vacate Under 28<br>U.S.C. § 2255 | 1:07CV2621            |
| ROBERT HARRIS    | Motion to Vacate Under 28<br>U.S.C. § 2255 | 1:07CV2735            |

Each of the foregoing defendants either proceeded to trial and were found guilty (DWAYNE NABORS) or plead guilty (TYRON BROWN, JERRY MOTEN, DAMETRESE RANSOW, ARRICO SPIRES, CHARLES D. MATHEWS, JAMES BURTON, ALBERT LEE, JR., NOEL MOTT, JIM WILLIAMS, NOLAN LOVETT, MARLON L. BROOKS, JOHNNY ROBERTSON, FRANK DOUGLAS, and ROBERT HARRIS) to various Title 21 drug trafficking charges arising out of an investigation conducted in the City of Mansfield, Richland County, Ohio (hereinafter referred to as the "Mansfield investigation"), in which Jerrell Bray, an informant cooperating with the Drug Enforcement Administration (DEA)<sup>3</sup> and local law enforcement departments, was a witness. Subsequently, each of the foregoing defendants filed the foregoing pleadings, attacking the credibility of Jerrell Bray.

---

<sup>3</sup> Bray signed an Agreement with DEA on or about August 10, 2005, to act in the capacity of a confidential source. Pursuant to said agreement Bray agreed that he would always be truthful and that he would not engage in any conduct which would constitute perjury or the fabrication of evidence.

- BRAY made a second recorded call and Davis answers the phone, directing BRAY to meet him on Adams Street, not at 121 Glessner Avenue, where Richland CO SO officers believed Davis to be residing
- Det. Metcalf and Lt. Faith immediately went to 121 Glessner Ave and observed Davis depart the residence, and followed him to 187 Adams Street in Mansfield, Ohio
- TFO Bill Stross, TFO Verhiley, and S/A Lucas searched BRAY and his vehicle with negative results for any drugs or money – Lucas (undercover) took \$2,500 buy money and he and BRAY were followed by TFOs Stross and Verhiley to 187 Adams.
- BRAY got out of the vehicle, met Davis, and they both went into 187 Adams, Det. Metcalf and Lt. Faith monitored and recorded this meeting
- BRAY came out and said that Davis had directed him to 121 Glessner, to meet Davis' girl
- Lucas and BRAY were followed to Glessner, where a black female was waiting in front of the residence – this female, who identified herself as Lil S, got into the car and sat behind Lucas
- Lil S handed Lucas a bag of crack and a scale, Lucas gave Lil S the \$2,500 buy money and weighed the crack, it was determined to weigh less than it should have, so Lucas directed BRAY to call Davis, which he did. BRAY called DAVIS, which Lucas able to overhear, and stated that the crack was short, Davis said to take \$200 back
- Lil S asked "take \$200 back", and she handed Lucas \$200 of the buy money
- Lil S was then dropped off at 121 Glessner
- Lucas, Det. Metcalf, and TFO Stross are all able to positively identify Geneva France as Lil S
- Lucas and BRAY then drove past 187 Adams and BRAY telephoned Davis, who advised that Davis had watched the deal take place
- Det. Metcalf, Lt. Faith, TFO Stross, and TFO Verhiley all observed Lil S got and stand on the front porch of 121 Glessner (Davis' residence)
- When Lucas and BRAY arrived at the Richland CO SO, BRAY and his vehicle were searched with negative results for any drugs or money
- BRAY stated that he knew Lil S, but did not know her name
- Det. Metcalf attempted to ID Lil S and showed a photo of \*\*\*\*\*, but all present advised that she was NOT Lil S
- On 10-27-05, Det. Metcalf advised Lucas that he had identified Lil S, and showed Lucas a year book photo of Geneva France, which Lucas identified as Lil S. BRAY was then called to the Richland CO SO, and when BRAY entered Det. Metcalf's office, looked at France's photo, that was on Metcalf's desk, and remarked, you found the girl Lil S.
- At NO time during the numerous pretrial conferences between BRAY and AUSA Serrano, in which numerous different police officers were present, did BRAY ever state that France was NOT Lil S.
- BRAY testified in federal trial on 2-14-06 that France was in fact Lil S
- Lucas and Det. Metcalf also testified and still believe that France was Lil S
- France resides around the corner from 121 Glessner Ave.

USA001-000241

- On the following Monday, AUSA Bakeman advised that BRAY had flunked a third polygraph regarding the Geneva France case, and that Bakeman planned to go forward with a federal gun case against, Bakeman advised that Lucas should be happy, because it was over, and BRAY had been shown to be a complete liar
- Need results of these polygraphs, as well as BRAY's original accusations against Lucas et al
- Why is BRAY being believed now, pleading guilty to charges of civil rights violations and two counts of perjury, when police units and S/As have recordings and law enforcement witnesses that, as described above, are in direct conflict with BRAY's claims and the charges he pled guilty to
- BRAY told DEA's inspections team that he was motivated by "vengeance" as is in the notes of Inspector Joe Chuffre - BRAY is obviously trying to be vengeful to Lucas for not "fixing" his charges
- The ONLY reason BRAY claims to have set up these deals is because he felt he could "reduce his federal charges and not be incarcerated with people he had earlier testified against, as he was threatened he would be by Public Defender Carlos Warner
- NO MOTIVE for the police to work in concert with BRAY to frame innocent people; Lucas or Ansari did not know who the targets of the controlled buys of crack were from, until Richland CO SO Detectives, with the assistance of BRAY, identified these individuals, Lucas and Ansari acted as surveillance and/or undercover units at the request of the Richland CO SO, not from their own investigation
- Why did BRAY decide to use "stand-ins" in these instances, and not the other buys he made?, why these people? (Nabors, France, Ward, Parker, and/or Williams)
- was BRAY on his medication when he did this, or not?
- Need to get ALL of BRAY's interviews, including the original notes from Carlos Warner and his investigators, as well as the notes and reports from OPR/OIG from each interview of BRAY, especially any interviews conducted by the FBI/Warner before OPR/OIG were included in the investigation

USA001-000242